

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

TRAVELERS CASUALTY AND SURETY  
COMPANY as administrator for RELIANCE  
INSURANCE COMPANY,

Plaintiff,

vs.

DORMITORY AUTHORITY – STATE OF  
NEW YORK, TDX CONSTRUCTION CORP.  
AND KOHN PEDERSEN FOX ASSOCIATES,  
P.C.

Defendants.

CASE NO. 07-CV-6915 (DLC)  
ECF CASE

CIVIL ACTION

**NOTICE OF MOTION**

DORMITORY AUTHORITY OF THE STATE  
OF NEW YORK AND TDX  
CONSTRUCTION CORP.,

Third-Party Plaintiffs,

vs.

TRATAROS CONSTRUCTION, INC.,

Third-Party Defendant.

TRATAROS CONSTRUCTION, INC. and  
TRAVELERS CASUALTY AND SURETY  
COMPANY,

Fourth-Party Plaintiffs,

vs.

CAROLINA CASUALTY INSURANCE  
COMPANY; BARTEC INDUSTRIES, INC.;  
DAYTON SUPERIOR SPECIALTY  
CHEMICAL CORP. a/k/a DAYTON  
SUPERIOR CORPORATION; SPECIALTY  
CONSTRUCTION BRANDS, INC. t/a TEC;  
KEMPER CASUALTY INSURANCE  
COMPANY d/b/a KEMPER INSURANCE  
COMPANY; GREAT AMERICAN

INSURANCE COMPANY; NATIONAL UNION FIRE INSURANCE COMPANY; NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH, PA.; UNITED STATES FIRE INSURANCE COMPANY (U.S.) INC. f/k/a COMMERCIAL UNDERWRITERS INSURANCE COMPANY; ZURICH AMERICAN INSURANCE COMPANY d/b/a ZURICH INSURANCE COMPANY; OHIO CASUALTY INSURANCE COMPANY d/b/a OHIO CASUALTY GROUP; HARLEYSVILLE MUTUAL INSURANCE COMPANY (a/k/a HARLEYSVILLE INSURANCE COMPANY); JOHN DOES 1-20 AND XYZ CORPS. 1-20,

Fourth-Party Defendants.

**TO: All Counsel on the Attached Service List**

**COUNSEL:**

**PLEASE TAKE NOTICE** that, on a date and at a time to be determined by the Court, attorneys for Fourth Party Defendant Harleysville Insurance Company of New Jersey, improperly pled as Harleysville Mutual Insurance Company ("Harleysville ") shall apply to the Hon. Denise L. Cote, U.S.D.J., United States District Court, Southern District of New York, 500 Pearl Street, Room 1020, New York, New York, for an Order granting summary judgment to Harleysville in the above-captioned matter pursuant to FED. R. CIV. P. 56(c).

**PLEASE TAKE FURTHER NOTICE** that, in support of the aforementioned motion, Harleysville shall rely upon the enclosed Memorandum of Law, Rule 56.1 Statement of Undisputed Material Facts, and the Supporting Affirmations of Derrick Harris and Counsel served herewith.

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By:       /s/ Lance J. Kalik        
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Dated: August 8, 2008

**TRAVELERS CASUALTY & SURETY COMPANY V. DASNY ET AL.**

**CIVIL ACTION NO.: 04CV 5101**

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